IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 24TH NOVEMBER 2006 / 3RD AGRAHAYANA 1928

Bail Appl..No. 6983 of 2006(U)

CMP.8049/2006 of J.M.F.C.,MAVELIKKARA
CR.211/06 OF MAVELIKARA EXCISE RANGE.

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PETITIONER/ACCUSED

UNNI, S/O.THIRUVANCHAN,
CHAROOR VADACKETHIL, ULAVUKADU MURI,
PALAMEL VILLAGE, MAVELIKKARA.

BY ADV. SRI.A.SHAFEEK

RESPONDENT: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
EXCISE INSPECTOR, MAVELIKARA EXCISE RANGE,
THROUGH PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 24/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NO. 6983 OF 2006

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DATED THIS THE 24th DAY OF NOVEMBER, 2006

O R D E R

Petitioner, who is the sole accused in Cr.No.211/06 of Mavelikara Excise Range for offences punishable under sections 8(1) and 8(2) of the Abkari Act for having been found in possession of 3 ½ litres of illicit arrack on 25.9.2006, who has been in custody since then, seeks bail.

2. Learned Public Prosecutor on instructions admitted that no report under section 173 Cr.P.C. has been filed so far. If so, by virtue of clause (a) of the proviso to section 167 Cr.P.C. , petitioner is entitled to bail as of right. Accordingly, the petitioner is directed to be released on bail on his executing a bond for Rs. 20,000/- (Rupees twenty thousand only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M.,Mavelikara and subject to the following conditions:

1. Petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

2. The petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

3. The petitioner shall not commit any offence while on bail.

If the petitioner commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

This application is allowed as above.

V.RAMKUMAR, JUDGE.

dsn